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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,964	01/24/2001	William T. Hamrick	623484.00002	2333

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EXAMINER

VARNER, STEVE M

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/768,964

Applicant(s)

HAMRICK, WILLIAM T.

Examiner

Steve M Varner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylinder disposed within the female joints as stated in claim 23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22, 24-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellington, III in view of Martensson et al., Porter, and Hester, Jr.

Regarding claims 1, 15-17, 19, 20, Ellington, III shows a rectangular base (17) formed from steel (26) reinforced concrete. (Fig. 1) The units may be aligned end to end. Ellington, III does not show female joint portions integrally formed within the ends. Martensson et al. shows female joint portions (13) integrally formed within the ends. (Fig. 2) It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use female joint portions as in Martensson et al. in the

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structure of Ellington, III to form a tight joint between adjacent walkways. Ellington, III shows four upwardly extending supports (18A-D) supporting a roof (34). (Fig. 1) Ellington, III does not show a central apex and downwardly sloping sides. Hester, Jr. teaches a central apex and downwardly sloping sides. (Fig. 1) It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a roof with a central apex and downwardly sloping sides as in Hester, Jr. in the structure of Ellington, III. This would allow water to run off the roof. Ellington, III does not show a series of lifting eyes or a coupling mechanism interconnected to each of the supports and transport means. Porter shows a series of lifting eyes or a coupling mechanism interconnected to each of the supports and transport means. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use lifting eyes as in Porter in the structure of Ellington, III to lift the walkway into place with a crane.

Regarding claim 2, Ellington, III does not show means for interconnecting an individual walkway unit to means for transport. Porter shows means for interconnecting an individual walkway unit to means for transport (50). (Fig. 1) It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use the means for interconnection in the structure of Ellington, III in order to connect the walkway to a crane for transport and placement.

Regarding claim 3, Ellington, III does not show the means for transporting in the form of lifting eyes. Porter shows lifting eyes (56a-d). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use lifting

eyes as in Porter in the structure of Ellington, III. This would allow a crane to be connected to the walkway.

Regarding claim 4, Ellington, III shows a rectangular base (17) formed from steel (26) reinforced concrete. (Fig. 1) Ellington, III does not show the weight in excess of one or two tons. This would be a matter of obvious design choice to produce a large enough walkway for people to use.

Regarding claim 5, Ellington, III shows four upwardly extending supports (18A-D) supporting a roof (34). (Fig. 1) Ellington, III does not show a central apex and downwardly sloping sides. Hester, Jr. teaches a central apex and downwardly sloping sides. (Fig. 1) It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a roof with a central apex and downwardly sloping sides as in Hester, Jr. in the structure of Ellington, III. This would allow water to run off the roof.

Regarding claims 6, 7, 11, the claimed system for joining is the obvious method of joining Ellington, III's modified transportable building module.

Regarding claims 8-10, 24, 25, Ellington, III shows the basic claimed structure. Ellington, III does not show two ends angled, T plan, and an intersection plan. Hester, Jr. shows two ends angled. (Fig. 1) "T" plans and intersection plans are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use angled, "T", or intersection plans as seen in Hester, Jr. and the art in the structure of Ellington, III. This would allow the walkways to interconnect in various patterns.

Regarding method claims 12-14, 26, the claimed method is the obvious method of using Ellington, III's modified transportable building module.

Regarding claim 18, Ellington, III shows the basic claimed structure. Ellington, III does not show a male joint. Martensson et al. shows a male joint (12). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a male joint as in Martensson et al. in the structure of Ellington, III in view of Hester, Jr. and Porter. This would allow an adjacent female jointed walkway to mate with the male jointed walkway.

Regarding claims 21-22, Ellington, III shows the basic claimed structure. Ellington, III does not show a concave female joint on one walkway and a convex male joint on an adjacent walkway extending transversely along an end of the base. Martensson et al. shows concave female (13) and convex male (12) joints on adjacent structures extending transversely along an end of the base. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use these joints of Martensson et al. in the structure of Ellington, III in view of Hester, Jr. and Porter to provide connection between walkways.

### ***Response to Arguments***

Applicant's arguments filed 9/4/02 have been fully considered but they are not persuasive. The structure of a portable walkway may be found in a transportable building module.

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Martensson et al. reveals a female joint.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kaufman et al. reveals a prefabricated, self-contained building.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV  
October 17, 2002

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600